

APPEAL NO. 022540  
FILED NOVEMBER 21, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 19, 2002. The hearing officer determined that respondent (carrier) is entitled to a reduction of appellant's (claimant) impairment income benefits and supplemental income benefits based on contribution from an earlier compensable injury (the first injury) in the proportion of 7/16. Claimant appealed this determination, contending that he had fully recovered his range of motion (ROM) after his prior injury and that the hearing officer did not properly apply the law to the facts. The file does not contain a response from carrier.

DECISION

We affirm.

In this case, it appears that the hearing officer properly applied the law to the facts. The hearing officer discussed the cumulative impact. Although some medical professionals noted normal ROM after the first injury, Dr. M later noted crepitus and impingement. Dr. P, the designated doctor for the first injury, said that claimant would have periodic flare-ups from his injury. We conclude that the hearing officer could find that claimant did not establish through medical evidence that he had complete recovery and full ROM after the first injury. We have reviewed the complained-of determination and conclude that the hearing officer did not err in making his determination. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Panel  
Manager/Judge